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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,968	06/25/2001	Anna Madeleine Leone	LEONE - RINNE	1411

7590 10/03/2003

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EXAMINER

BARRY, CHESTER T

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,968

Applicant(s)

LEONE ET AL.

Examiner

Chester T. Barry

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1, 3, 5, 6, 9-24, 26-28 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2, 4, 7, 8 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: CHEMICAL DICTIONARY PAGES

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The specification is objected to for minor informalities. Virtually every instance of "absorbent," absorbents," absorption," "absorbed," and the like, must be replaced by "adsorbent," adsorbents," adsorption," "adsorbed," and the like, respectively. Please compare the enclosed definitions of "absorption" and "adsorption" (Grant & Hackh's Chemical Dictionary, 5th edition, pages 3 and 16, respectively).

The specification is objected to for minor informalities. At page 32, last paragraph, line 3, applicants suggest that "Calgon" is a generic type of GAC. It is not. Correction as follows, or the like, is required:

(specifically source: Calgon Corporation); or

(specifically available from the Calgon Corporation).

Fig 8 is objected to. The use of the word "CALGON" suggests that applicants are using that word as if it meant granular activated carbon. "CALGON" has no such art-recognized meaning. It is suggested that in Fig. 8 "CALGON" be replaced by "GAC adsorbent."

Claims 2 and 4 are objected to for minor informalities. Each claim recites the step of "contacting . . . by extracting [the] MTBE molecule from said solution." It seems that the extracting results from the contacting rather than the other way around. It is suggested that the claims be amended to read, "extracting [the] MTBE molecule from the solution by contacting . . . " etc.

Claims 7 and 8 are objected to for minor informalities. It is suggested that "bonding" be changed to "bonds." See 35 USC §112, sixth paragraph ("**structure**, material, or acts," emphasis added).

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Claim 25 is objected to for minor informalities. It is suggested that "step of step of" be changed to "~~step of~~ step of."

The title is objected to as being misdescriptive of the claimed subject matter:

Each of claims 1 – 25 is directed to removing MTBE from "a solution." Applicants define a solution as water. See the middle of page 7 ("[a] solution (i.e., water)"). The title is misdescriptive of the claimed subject matter because it recites "or organic solvents."

The claims do not cover removal of MTBE from organic solvents. They cover removal of MTBE ^E~~only~~ from water. ^{only} Deletion of "or organic solvents" from the title is required.

CTB
9/26/03

MTBE is admitted to be a known water pollutant. US Pat Pub. US 2003/0153001

A1 to Soane (at paragraph [0373]) describes using MIPs to remove pollutants, e.g., pesticides, from aqueous waste ~~water~~ streams, but does not describe or suggest using MIPS to remove MTBE. USP 5641539 to Afeyan is cited of general background interest.

CTB

Claims 1 – 28 are allowable over the prior art.



CHESTERT T. BARRY
PRIMARY EXAMINER

703-306-5921